

ORDINANCE NO. 2215

AN ORDINANCE AMENDING CHAPTERS 2-40, BOARD OF ADJUSTMENT, 17-04, DEFINITIONS, 17-20, B-1 LIMITED BUSINESS DISTRICT, 17-22, B-2 GENERAL BUSINESS DISTRICT, 17-24, I-1 LIMITED INDUSTRIAL DISTRICT, 17-25, NEIGHBORHOOD OVERLAY AREA, 17-25.1, TRANSITIONAL OVERLAY AREA DISTRICT, 17-26, I-2 GENERAL INDUSTRIAL DISTRICT, 17-26.05, I-3 GENERAL INDUSTRIAL DISTRICT, 17-29, INTERCHANGE INFLUENCE AREA, 17-32, ACCESSORY BUILDINGS AND USES, 17-38, PLANNED UNIT DEVELOPMENT, 17-42, MOBILE HOME COMMUNITIES AND REPEALING AND REENACTING CHAPTER 17-70, LANDSCAPE CODE, OF THE BROOMFIELD MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

**Section 1.** Chapter 2-40-070 - Powers, duties and procedures to grant variances and make adjustments to zoning, of the Broomfield Municipal Code is amended as follows:

2-40-070 - Powers, duties, and procedures to grant variances and make adjustments to zoning.

...  
(E) The board shall not be authorized to vary the terms of the sign code **or landscape code** but may grant special exceptions as set forth in **Title 17 section 17-44-170**, B.M.C.

**Section 2.** Chapter 17-04, Definitions, of the Broomfield Municipal Code is amended as follows:

...  
~~17-04-245 - Landscaping or landscaped:~~

~~Landscaping or landscaped means any combination of living plant materials, such as trees, shrubs, grass, and herbaceous plants, and including, but not limited to, organic decorative materials such as gravel, rock, and bark; provided, however, that at least 25% of the required landscaped area be covered by living plant materials. In addition, at least one tree of a minimum of one inch trunk caliper be provided for each 7,000 square feet, or major fraction thereof, or required landscaped area.~~

**Section 3.** Chapter 17-20, B-1 Limited Business District, of the Broomfield Municipal Code is amended as follows:

...  
17-20-040 - Lot, yard, and related requirements.

...  
(F) Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said

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screening to occur between the parking area and the street, unless the parking lot is not viewable from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than 5% of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. **Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

...

17-20-060 - General provisions.

Use of land in the B-1 district shall also conform to the parking, loading, signing, **landscaping** and other provisions of this title.

**Section 4.** Chapter 17-22, B-2 General Business District, of the Broomfield Municipal Code is amended as follows:

...

17-22-040 - Lot, yard, and related requirements.

...

(F) Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not viewable from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than 5% of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. **Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

...

17-22-060 - General provisions.

Use of land in the B-2 district shall also conform to the parking, loading, signing, **landscaping** and other provisions of this title.

**Section 5.** Chapter 17-24, I-1 Limited Industrial District, of the Broomfield Municipal Code is amended as follows:

...

17-24-040 - Lot, yard, and related requirements.

...

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(F) Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not viewable from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than 5% of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. **Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

...

17-24-060 - General provisions.

Use of land in the I-1 district shall also conform to the parking, loading, signing, **landscaping** and other provisions of this title.

**Section 6.** Chapter 17-25, Neighborhood Overlay Area, of the Broomfield Municipal Code is amended as follows:

...

17-25-050 - Development requirements.

...

(A) ...

(6) Landscaping. Any addition to an existing residence **below the redevelopment threshold defined in section 17-70-020** shall include the installation of at least one tree to be located in the front yard. If feasible, based on slope, existing vegetation, or other conditions, said tree shall be located adjacent to the sidewalk. If the existing tree canopy, as determined by the planning director, will not allow an additional tree, no such tree shall be required.

**Section 7.** Chapter 17-25.1, Transitional Overlay Area District, of the Broomfield Municipal Code is amended as follows:

...

17-25.1-050 - Development requirements.

...

(I) *Landscaping adjacent to arterial streets.* A minimum six-foot tree lawn is required to separate pedestrians and vehicles on arterial streets. In addition, a minimum of a twenty-foot landscaped area is required between the sidewalk and the building or parking area.

(J) *Buffer area.* The intent of the buffer area is to provide a visual and physical separation of nonresidential uses as described in this chapter, from adjacent residential uses. The

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buffer area shall consist of any combination of sound walls or landforms (berms), and trees. These elements shall be located in the northern end of the lot and at the sides of the lot if adjacent to residential or agricultural use. The buffer area on the northern end of the lot shall have a minimum depth equal to 25% of the north-south lot depth. The landscape buffer area at the north end of the lot shall include a berm, generally located near the center of the buffer area, with an average height above grade of six feet or a sound wall minimum six feet in height, and a quantity of trees of varying species. Drought-tolerant grasses are also encouraged in this area. The landscape buffer area at the north end of the lot shall include a minimum of one tree for each 1,000 square feet of buffer area. The trees shall be located so as to screen buildings and parking from adjacent residential uses. A mix of coniferous and deciduous trees shall be provided. The minimum height of coniferous trees is six feet. The minimum caliper of deciduous trees is two and one-half inches. The landscape-buffer area may be reduced to fifty feet when a residential or agricultural use is adjacent to the side yard of the transitional use.

(K) *Internal site landscaping* (areas between arterial street landscaping and buffer landscaping). Landscaping shall be provided to screen buildings and parking from adjacent residential uses. Drought-tolerant landscape materials are encouraged in this area.

**(1) In addition to subparagraphs (I), (J) and (K) for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

**Section 8.** Chapter 17-26, I-2 General Industrial District, of the Broomfield Municipal Code is amended as follows:

...

17-26-040 - Lot, yard, and related requirements.

...

(F) Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not viewable from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than 5% of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. **Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

...

17-26-060 - General provisions.

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Use of land in the I-2 district shall also conform to the parking, loading, signing, **landscaping** and other provisions of this title.

**Section 9.** Chapter 17-26.05, I-3 Industrial District, of the Broomfield Municipal Code is amended as follows:

...

17-26.05-040 - Lot, yard, and related requirements.

...

(F) Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not viewable from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than 5% of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. **Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

...

17-26.05-060 - General provisions.

Use of land in the I-3 district shall also conform to the parking, loading, signing, **landscaping** and other provisions of this title.

**Section 10.** Chapter 17-29, Interchange Influence Area, of the Broomfield Municipal Code is amended as follows:

...

17-29-050 - Development requirements.

...

(C) *Landscaping.* All rights-of-way and setbacks are to be landscaped and maintained by property owners as follows:

...

**(6) Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in Chapter 17-70.**

**Section 11.** Chapter 17-32, Accessory Buildings and Uses, of the Broomfield Municipal Code is amended as follows:

...

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17-32-090 - Off-street parkings; screening requirements.

All off-street parking areas with more than ten spaces and shall screen said spaces in part from view from adjacent streets by providing either:

- (A) A low three-foot to four-foot decorative fence or wall between the required landscaped area and the parking area; or
- (B) Earth mounds of three to four feet in height, which shall be landscaped and placed between the street and the parking area.
- (C) Alternatively, for developments meeting the threshold as defined in section 17-70-020, the development shall be subject to the landscape requirements as defined in section 17-70-080.**

**Section 12.** Chapter 17-38, Planned Unit Development, of the Broomfield Municipal Code is amended as follows:

...

17-38-160 - Development requirements.

...

**(C) Landscape plan and water budget meeting the requirements set forth in Chapter 17-70.**

~~Landscape plan showing the following:~~

- ~~(1) Location, species, and size of existing trees;~~
- ~~(2) Trees to be retained;~~
- ~~(3) Location, species, and size of new trees and shrubs;~~
- ~~(4) Location and type of turf, ground cover, and planting areas;~~
- ~~(5) Type and extent of irrigation; and~~
- ~~(6) Retaining and decorative walls, fences, and similar structures.~~

...

**(G) Details on variance and special exception requests relating to the application.**

**Section 13.** Chapter 17-42, Mobile Home Communities, of the Broomfield Municipal Code is amended as follows:

...

17-42-150 - Landscaping.

A landscaping plan **in accordance with Chapter 17-70** shall be submitted for review and approval.

**Section 14.** Chapter 17-70, Residential Landscape Requirements, of the Broomfield Municipal Code, is repealed in its entirety and replaced with the following language:

**Chapter 17-70  
Landscape Code**

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**17-70-010 - Purpose.** The purpose of this chapter is to establish requirements for the design, installation and maintenance of landscapes that recognize water conservation principles while promoting, preserving, and enhancing properties and the image of the City and County of Broomfield as a whole. Landscaping can serve to improve the visual quality and compatibility within and between developments and differing land uses and shall not impact or obstruct pedestrian or vehicular traffic. It can also promote biodiversity and habitat for pollinators through planting a mix of native shrubs, trees, grasses. In addition, landscaping can be water conserving and contribute to the implementation of low impact development standards through the use of native plant materials that are well adapted to local climatic conditions.

**17-70-020 - Applicability.**

(A) *General.* The landscaping requirements of this Chapter 17-70 shall apply to the following properties:

- (1) All new construction, including residential and non-residential, that are to be constructed by a developer or property owner;
- (2) All construction projects that cumulatively increase the gross floor area of the lot by sixty-five percent (65%) or more;
- (3) The total redevelopment of a parcel, including demolition and new construction;
  - (i) Redevelopment of a parcel means the demolition of an existing structure or building in anticipation of new development. This chapter does not apply to modifications by a property owner or homeowner's association to existing landscaping only.
- (4) Construction of parking lots containing 10 or more spaces, or expansion of existing parking lots by more than i) 10 spaces, or (ii) 50% of the existing parking lot area, whichever is greater; and
- (5) All public land dedications as required by the Broomfield Municipal Code Chapter 16-28-120, shall comply with the provisions of this chapter unless such property is specifically exempted from these regulations based on the specific Open Space characteristics of the subject property and as approved by the city and county manager or their designee.

(B) *Existing Plans or Approvals.* Except as provided in this chapter, all landscape plans approved prior to January 1, 2024, including but not limited to approved site development plans, planned unit development plans, and urban renewal site plans, are not required to comply with provisions of this code, but shall be maintained in compliance with the applicable regulations and requirements in place at the time they were originally installed.

(C) *Landscape Plans and Water Budgets.* A landscape plan and water budget, as applicable and as provided in this chapter, is required for all development as set forth in BMC 17-70-020(A) above and shall be submitted with a site development plan/urban renewal site plan (SDP/URSP) or with a building permit if no SDP/URSP is required. The landscape plan shall be prepared and stamped by a Colorado licensed landscape architect, except for plans for a single-family dwelling detached or a manufactured home which do not need to be prepared and stamped by a Colorado licensed landscape architect.

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- (D) *Conflicts*. If there is a conflict between the various landscaping standards, the more restrictive standard shall apply. Wherever the requirements for two or more landscaping standards overlap, the same plant material may be counted toward meeting the requirements of both standards.

**17-70-030 - Definitions.** As used in this chapter, unless the context clearly requires otherwise, the following words and terms shall have the meanings set forth in this section:

- (A) *Cool-Season Turfgrasses* means annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue and similar varieties.
- (B) *Curbside Landscaping* means the property adjacent to the right-of-way or the adjoining right-of-way itself that are used for the planting of street trees and other plant material.
- (C) *Diameter at Breast Height (DBH)* means the standard measurement used in forestry and tree studies to assess the size of a tree trunk. DBH is determined by measuring the diameter of the tree trunk at a standardized height, which is typically 4.5 feet (1.37 meters) above the ground level. This measurement is taken using a tape measure or calipers and is commonly used as an indicator of a tree's size, growth, and maturity.
- (D) *Evapotranspiration* means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.
- (E) *Hydrozone* means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.
- (F) *Irrigation efficiency* means the measurement of the amount of water beneficially used divided by the amount of water applied.
- (G) *Landscape* means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features such as land and water forms, rock, stone, bark chips or shavings; and structural features, including, but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences, or benches.
- (H) *Landscape buffer* means a land area with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.
- (I) *Landscaped area* means the entire parcel, less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes- such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.
- (J) *Landscaping and/or landscape improvements* means plantings of grass, shrubs, trees or similar living plants, with minimal use of other ground surface treatment such as decorative rock, bark, or stone. These inert materials are allowed to be used in conjunction with live material in planting beds, but do not count toward the calculations

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of required landscaping and/or landscaping improvements.

- (K) *Mulch* means any material such as leaves, bark, straw, gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.
- (L) *Native plant* means a species that is indigenous within the Colorado Front Range and naturally occurring in one or more plant communities.
- (M) *Open Space* means a parcel of land intentionally protected from development and set aside for unstructured passive recreation, and the appreciation of natural surroundings. Open Space may contain, but is not limited to, trailheads and trails, waterbodies, wetlands, wildlife viewing areas, agricultural lands, fishing facilities and other facilities that support uses compatible with the site's resources and conditions.
- (N) *Ornamental tree* means a tree planted primarily for its decorative value, or for screening and that typically does not exceed a height of thirty feet (30').
- (O) *Rain sensor or rain shutoff device* means a device connected to an irrigation controller that overrides scheduled irrigation when significant precipitation has been detected.
- (P) *Shade tree* means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.
- (Q) *Shrub* means a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than twelve feet (12') in height at its maturity. It may be evergreen or deciduous.
- (R) *Streetscape* means the landscape treatment of a street edge, including vegetation, sidewalks, streetlights, fencing, signs, utilities, and similar facilities.
- (S) *Tree Maturity* means the point at which a deciduous tree achieves a diameter of six inches at breast height (DBH).
- (T) *Tree Opening* means box or rectangle open area where the tree sits when surrounded by a hard surface.
- (U) *Turf or turfgrass* means a surface layer of earth containing mowed grass with its roots.
- (V) *Understory* means assemblages of natural low level woody, herbaceous, and ground cover plant species that exist in the area below the canopy of trees.
- (W) *Vegetable Garden* means a plot of ground or an elevated soil bed in which pollinator plants, flowers, vegetables, herbs, fruits, leafy greens, or other edible plants are cultivated.
- (X) *Xeriscape* means a water efficient landscape adapted to the local environment.

**17-70-040 - Landscape Reference Manual.** The Community Development Department is authorized and directed to create, adopt and revise a Landscape Reference Manual containing policies, procedures, standards, maps, plant lists and other provisions necessary to implement

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the provisions of this Chapter 17-70. Prior to the preparation of a formal landscape plan submittal, designers shall consult the Landscape Reference Manual, which is available on the City's website, for specific requirements regarding plan setup, scale, notes, plant symbology, standard tables, and the water-wise plant list. The Landscape Reference Manual shall also provide examples to illustrate the requirements of this section.

**17-70-050 - General Landscaping Standards.**

*(A) Plant Material Requirements.*

- (1) *General.* Landscaping for all development subject to the requirements of this chapter shall include a variety of water-wise plant materials, such as trees, shrubs, ornamental grasses, groundcovers, annual and perennial flowering species, turfgrasses, and mulches that will provide visual interest during all seasons.
  - (i) Planting cool-season turfgrasses in lieu of drought-tolerant vegetation to meet the minimum landscaped lot coverage is not permitted.
  - (ii) Removing water-wise plant materials to convert the area back to cool-season turfgrass is not permitted.
  - (iii) The use of plant materials adapted to the climatic conditions of the area shall be used to the maximum extent practicable.
  - (iv) Landscape materials such as stone, masonry, wood, and steel may also be used to define space and create visual interest but should not comprise more than 25% of the landscaped area. When landscaped areas are adjacent to natural areas or open space, plants shall be selected to continue that native appearance along the border with the open space or natural area.
  - (v) At least 75% of all annuals and trees, and 100% of shrubs, perennials, groundcovers, and ornamental grasses used to landscape each site regulated by this chapter shall be selected from the water-wise plant list in contained in the Landscape Reference Manual; the Colorado State University Cooperative Extension Fact Sheet on Xeriscaping; or other approved Water-wise, or xeriscape plant material references. Applicants may also consult with the City Landscape Architect regarding any proposed tree or plant species not on the approved water-wise plant list.
  - (vi) Evergreen trees shall not be planted closer than 20 feet to a street edge, sidewalk, or parking area as measured from the trunk of the tree to the edge of the pavement.
  - (vii) Any property that is seeded or sodded shall first be treated with organic amendments incorporated into the soil at the rate of three cubic yards per 1,000 square feet.

- (2) *Minimum Plant Sizes.* Plant material shall be installed in the minimum sizes shown in table below. Trees shall be measured six inches above ground level for all trees up to

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four inches in caliper and 12 inches above ground level for larger trees.

<b>Minimum Plant Sizes</b>		
<b>Type of Planting</b>	<b>General Minimum Size Requirement</b>	<b>Special Locations [1]</b>
Shade trees	Two and one-half inch caliper minimum	Three-inch caliper
Ornamental trees	Two-inch caliper minimum (for single stem varieties). Clump forms, multi-stemmed, and similar are acceptable and shall be six to eight feet in height at time of installation.	Two and one-half inch caliper
Evergreen trees	Six feet minimum height	8-10 feet height
Shrubs	Three -gallon container	
Ornamental grasses and perennials	One-gallon container	
[1] Special Locations include non-residential or mixed-use development along property lines adjacent to residential uses.		

These minimum plant size requirements do not apply to any single-family detached dwelling or manufactured homes, except in those instances where planting and landscape materials are installed by a developer or special district as part of a larger overall Site Development Plan/Urban Renewal Plan.

(3) *Tree and Shrub Diversity.* Tree and shrub diversity shall comply with the Landscape Reference Manual.

(4) *Prohibited Plant Species.*

- (i) The following plants shall be prohibited from being planted in the City:
  - (ii) Russian Olive (all *Elaeagnus Angustifolia* species and cultivars);
  - (iii) Aspen (all *Populus Tremuloides* species and cultivars);
  - (iv) Cottonwood (all species), unless being used to continue the native appearance along the border with open space or natural areas, riparian areas, or within non-street frontage buffers, but not in connection with curbside landscape areas or abutting walks and/or buildings;
  - (v) Tamarisk (all species);
  - (vi) Ash (*Fraxinus* species);
  - (vii) Siberian Elm (*Ulmus pumila*); and

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- (viii) Tree of Heaven (*Ailanthus* sp.).
- (ix) Plants listed as an invasive species by the Colorado State University Cooperative Extension Service are prohibited.
- (x) Plants listed on the Colorado Noxious Weed List are prohibited.

(5) *Living Material Requirements.* This section applies to all required landscapes except as provided below:

- (i) A homeowner's yard visible from the right-of-way shall not consist of entirely non-living materials.
- (ii) Ornamental grasses, ground covers, deciduous and evergreen shrubs and trees and turfgrass shall be considered as living plant materials. Weeds shall not be considered as living plant materials.
- (iii) *Alternate Standard.* Areas within and immediately adjacent to right-of-way having no reasonable means of providing an underground automatic irrigation system shall be landscaped with plant material and one of the materials listed below provided that forty percent (40%) of the total landscape area must be permeable materials and of that 40%, half of the permeable material area must be plant material:
  - (a) Rock, no white quartz rock
  - (b) Natural or manmade pavers over a compacted base; or
  - (c) Integrally colored stamped decorative concrete.

Hydroseeding with a native, low water seed mix is an acceptable plant material.

(6) *Plant Quality.* All plant material shall meet or exceed the plant quality and species standards of the current American Standard for Nursery Stock.

(7) *Plant Beds.*

- (i) Plant beds shall be separated from turf and other areas by metal edging or approved equivalent material.
- (ii) All shrubs, ornamental grasses, perennials, and groundcovers shall be located within plant beds.
- (iii) The installation of individual shrub species in turf or native seed areas without metal edging, but with hand-dug spade edges, may be approved by the City based on likelihood of survival and potential impacts on surrounding vegetation.
- (iv) Where rock is the chosen mulch treatment, weed barrier fabric shall be used to block weed growth and conserve moisture.
- (v) Trees and shrubs shall be mulched by either rock or wood mulch, or a combination of both, at the discretion of the applicant. Shredded cedar is the preferred mulch treatment around all plant material. If rock mulch must be utilized due to exposure to areas with high winds, plant material shall be chosen which can tolerate heat exposure.
- (vi) For wood mulch applications, all trees shall be surrounded by an area of mulch that shall be no less than three inches in depth and no less than three inches from the trunk to reduce potential damage from insects. Mulch shall be a minimum of three inches from trunks to reduce insect and trunk damage.

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- (vii) All plant beds shall be mulched to a minimum depth of three inches. Areas planted with perennials and groundcovers species shall be mulched to a minimum two inches in depth.
  - (8) *Thorny or Spiny Plants and Shrubs.* Shrubs that have thorns or are spiny shall not be planted within 8 feet of public walks or within parking lot islands. Trees that drop fruits or have thorns or are spiny shall not be planted within 20 feet of public walks, within any public right of way, or within parking lot islands or medians.
  - (9) *Clear Space Above Walks.* Trees planted adjacent to public sidewalks shall maintain an eight foot or greater tree branching height above the walks at tree maturity.
- (B) *Artificial Turf Standards or Non-Vegetative Turfgrass.* Where permitted, artificial turf shall comply with the following standards:
- (1) *Allowed Use.*
    - (i) Artificial turf may be used in sports field applications.
    - (ii) Artificial turf may be used to replace sod or native seed areas in backyards of single-family (detached and attached) residential lots. If a property owner installs artificial turf, the property owner shall still meet the Residential Yard Landscape Requirements per Table 1.
    - (iii) Artificial turf may be used in non-residential and mixed-use developments.
    - (iv) Artificial turf specifically designed for pet use may be used in dog parks.
  - (2) *Materials.* Artificial turf shall be a cut pile infill type and shall be manufactured from polypropylene, polyethylene, or a blend of polypropylene and polyethylene fibers stitched onto a polypropylene or polyurethane mesh or hole-punched backing. Hole-punched backings shall have holes spaced in a uniform grid pattern with spacing not to exceed four inches by six inches on center.
  - (3) *Installation.* Artificial turf shall be installed per the manufacturer's recommendations. Additional underground drainage will be required and may be reviewed on a case-by-case basis based on impacts to the existing drainage system.
    - (i) *Slope Restrictions.* The installation of artificial turf on slopes greater than 6.6% shall require the applicant to consult with the manufacturer on recommendations for installation and use.
  - (4) *General Appearance.* Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained turfgrass.
  - (5) *Specific Prohibited Uses.*
    - (i) Artificial turf may not be used within curbside landscape areas and medians in any zone district.
    - (ii) Artificial turf may not be used to satisfy living plant material requirements.
    - (iii) Where the use of artificial turf or natural turf is permitted, the use of indoor or outdoor plastic or nylon carpeting or other materials or combinations of materials as a replacement for artificial turf or natural turfgrass is prohibited.

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- (iv) Artificial turf shall not be used in the right-of-way.
- (C) *Turfgrass Requirements*. The design of all new turfgrass areas shall comply with the following requirements:
- (1) *Residential Yard Turfgrass Requirements*. Residential yards shall meet the turfgrass and other requirements set forth in Table 1 below.
  - (2) *Turfgrass Area Limitations for All Other Development Areas Except Multi-Purpose Fields and Golf Courses*. In all other development sites except multi-purpose fields and golf courses, the use of cool-season turfgrass or sod, seed and seed mixtures that contain more than 20% of a mixture of cool-season grass species shall be prohibited, and turfgrass or sod, seed and seed mixtures shall be limited to not more than 30% of the site's total landscaped area. The area consisting of high-water using species of cool-season turfgrasses such as Kentucky Bluegrass shall be contiguous, and patches located throughout the site shall be avoided. For the purposes of these standards "contiguous" shall mean all abutting areas and areas that may be separated by a pedestrian walk or trail. Areas separated by pavement used for vehicular circulation are not considered contiguous.
    - (i) *Exceptions and Exemptions*. Tot lots and recreational areas that benefit from the durability of cool-season turfgrasses are exempt from contiguity requirements of this section. All other requirements shall apply.

**17-70-060 Irrigation**. All irrigation systems installed pursuant to this chapter shall comply with the following requirements:

- (A) New landscaped areas, plant beds, raised planters, and plant containers, with the exception of non-irrigated native, dryland, and restorative grasses and those areas watered with reuse water, shall be watered by a permanent automatic irrigation system. Trees shall be irrigated with drip lines, except when reuse water is used. The irrigation system shall be zoned separately for turfgrass and shrub bed areas.
- (B) All irrigation systems to be owned and maintained by the city shall be installed in accordance with the current version of the City and County Broomfield's Standards and Specifications.
- (C) Automatic rain shutoff sensors shall be installed in all irrigation systems and shall have freeze sensors and evapotranspiration (ET) gauges. Irrigation systems shall be regulated with smart irrigation controllers. Irrigation systems installed shall use irrigation controllers and sprinkler bodies that are certified under EPA WaterSense.
- (D) The irrigation system shall be designed to provide peak season watering with irrigation within a six night, six hour per night watering period. The irrigation system shall provide a 36 hour watering window to ensure reasonable tap sizes and flexibility of watering times during extremely hot weather.
- (E) The irrigation system for non-residential, multi-family, single-family attached,

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manufactured home parks and commercial developments shall have a dedicated water meter for irrigation purposes.

- (F) All landscape plans shall be divided into water conserving (non-turfgrass), non-water conserving (turfgrass), and non-irrigated areas (e.g., pavement). A separate hydrozone plan is required to be submitted with the landscape plan. The hydrozone plan shall identify high, moderate, low and very low water use zones. Refer to the Landscape Reference Manual for plan requirements.
- (G) The minimum irrigation efficiency for purposes of this ordinance is 0.623.
- (H) A water budget is required for all non-residential districts, multi-family, single-family attached properties and manufactured home parks which shall be submitted with the site development plan/urban renewal site plan (SDP/URSP) or with a building permit if no SDP/URSP is required. Water budget worksheets are discussed in more detail and examples are provided in the Landscape Reference Manual. The water budget shall generally include the following information:
  - (1) Evapotranspiration Reference Locations
  - (2) Gallons of Water Needed by Plant Category
  - (3) Irrigation Areas (zones) based on Plant Water Need Category
  - (4) Water-Use Calculations
  - (5) Dedicated landscape water meters

**17-70-070 Curbside and Urban Street Frontage Landscaping.**

- (A) *Curbside Landscaping.* Curbside landscaping shall include requirements for detached walks, street trees, plantings, and mulches.
  - (1) *General.*
    - (i) Street trees and curbside landscaping are required whether on a public or private street or right-of-way. Evergreen trees shall not be used as street trees. Existing deciduous street trees in good health and condition may be used to satisfy the street tree requirement if they are part of the curbside landscaping.
    - (ii) Streets with detached walks shall have curbside landscapes that include the area within the right-of-way as measured between the back of the curb and face of the walk. The curb is not counted as part of the curbside landscape.
    - (iii) Street trees shall be centered within the curbside landscape area. The uniform placement of street trees is intended to create a continuous street edge. Trees may be grouped to achieve a specific aesthetic; however, the intent is to avoid large areas without street trees. No gap between groupings of street trees shall exceed 120 feet, and no trees shall be placed in easements unless permitted by the easement holder.
    - (iv) Street trees shall be deciduous, thornless, fruitless canopy trees of species that mature to heights of between 30 and 60 feet and with canopies that mature to at least 25 feet wide.
    - (v) Street trees shall be set back at least 50 feet from the face of a stop sign in order to maintain the sight distance area and shall comply with the design

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specifications outlined in the Broomfield Standards and Specifications, including Section 700 for sight distance area design parameters.

- (vi) If an easement conflicts with the installation of street trees, applicants shall provide shrub equivalents. If vegetation of any type, other than grass is prohibited by the easement holder, then the applicant shall be required to provide the required trees elsewhere on site. Relocated street trees shall not be used to satisfy other required landscaping requirements.
- (vii) The property owner adjacent to the public or private street shall maintain any street trees. The sight distance area shall be maintained at all roadway intersections, crossings, and parking areas by keeping all bushes and shrubs at a height of 36 inches or lower above pavement surface and trim all trees and hanging branches to a minimum height of 8 feet above pavement surface including sidewalks, and 14 feet above the vehicular traveled right-of-way. When located within a sight distance area, plant materials shall comply with the design specifications outlined in the Broomfield Standards and Specifications, including Section 700 for sight distance area design parameters.
- (viii) Living materials shall include water-wise deciduous or evergreen shrubs, ornamental grasses, perennials, ground covers, sod, and/or native seed consistent with this chapter.

(2) *Curbside Landscaping Detached Walks.*

(i) *General Requirements.*

- (1) Cool-season turfgrass is prohibited within any size of detached curbside landscape areas.
- (2) Curbside landscape areas that are less than three feet in width shall be mulched with rock mulch, no white quartz rock, or decorative hardscape. Rock shall be a minimum of 1.5 inch diameter.
- (3) Curbside landscape areas that are between three and six feet in width shall be planted at a minimum with shrubs and shall include mulch. Ornamental grasses are optional.
- (4) Curbside landscape areas that are between six and 10 feet in width shall be planted with shrubs and street trees at a minimum. Ornamental grasses are optional.
- (5) Curbside landscape areas that are 10 feet in width or wider may be planted entirely with either water conserving (xeric) vegetation and required street trees. A combination of shrubs and ornamental grass beds may be incorporated within the curbside landscape area.

(ii) *Minimum Plant Material.*

- (1) Trees. Where trees are required per 17-70-070.A.2, one tree per 40 linear feet of street frontage shall be provided.
- (2) Shrubs and Ornamental Grass. When shrub and ornamental

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grasses are used, per 17-70-070.A.2 the following requirements shall be met:

- (a) No less than one shrub per 40 square feet or shrub equivalents may be installed within the curbside landscape area and no more than 30 percent of the shrub count can be ornamental grasses provided as shrub equivalents. Shrubs are assumed to be an average of four feet wide at maturity.
  - (b) No more than 15% of perennials may be provided as shrub equivalents. Calculations for the plant quantities shall be done first.
- (3) Any area within the curbside landscape bed that is remaining shall be completed with either wood or rock mulch, or native seed depending upon the width of the curbside landscape.
  - (4) Provide a variety of shrub species that differ in height, color and width for visual interest, and to avoid monocultures, throughout the seasons.
  - (5) Shrubs and ornamental grasses shall be three gallon size at time of installation and perennials shall be provided at a ratio of three one-gallon perennials to one three-gallon shrub.
  - (6) Additional trees may not be provided in the curbside landscape area as a substitute for the living ground cover treatment such as shrubs, ornamental grasses, or perennials.

**(3) Curbside Landscaping Attached Walks.**

**(ii) Minimum Plant Material.**

- (1) Trees. One tree per 20 linear feet of street frontage shall be provided.
- (2) Street trees shall be located between four to five feet from the back of curb or edge of sidewalk.
- (3) Street trees and street frontage landscape buffers may overlap. In this scenario, street trees may count toward the buffer plantings.

**(B) Urban Street Frontages.** Urban street frontages include widened sidewalks to accommodate outdoor cafes and pedestrian walkways. Site amenities such as benches, lighting, wayfinding and landscaping to strengthen the urban tree canopy, and plant containers and raised planters enhance the pedestrian realm and minimize the appearance of hardscape. These are typically at least 16 feet in width.

(1) **Zones.** The urban street cross-section is divided into functional areas or zones based upon a total 16 foot width. These zones are called the Edge Zone, the Furnishings Zone, the Pedestrian Zone, and the Frontage Zone.

(i) **Edge Zones.** The Edge Zone is located within approximately one and one-half feet from the face of the curb, and does not contain landscaping, plant containers, raised planters, or other items that will interfere with

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traffic and/or snow plowing. Tree openings flush with the grade may encroach into the Edge Zone. The Edge Zone is only required when on street parking is provided.

- (ii) ***Furnishings Zone.*** The Furnishings Zone abuts the Edge Zone and is five feet wide. Its purpose is to accommodate street trees within tree openings, decorative pavement, site furnishings, bus shelters, and lighting. Landscape requirements include the installation of one street tree per 35 linear feet of street frontage. Street trees shall be located in tree openings at least five feet by 15 feet in size and near property lines to the maximum extent practicable. Street trees shall be accompanied by ornamental grasses, perennials and/or shrubs in the tree openings or by non-living materials such as rock and wood mulch. Street trees shall be large deciduous canopy tree species. The combined height of groundcovers shall be not more than 36 inches tall when within a sight distance area.
- (iii) ***Pedestrian Zone.*** The intent of the Pedestrian Zone is to allow efficient, direct, and unobstructed access of at least six feet wide along sidewalks. The Pedestrian Zone shall be clear of all plant containers, raised planters, plant beds, and other site amenities. Branches of maturing street trees encroaching into this zone shall be pruned to a height of not less than eight feet.
- (iv) ***Frontage Zone.*** The Frontage Zone abuts the façade of the building and is three-and-one-half feet wide. Whenever landscaping is voluntarily provided within the Frontage Zone adjacent to a building façade, landscaping may be provided within plant containers, raised plants beds or at grade. In addition to plantings, this area would be ideal for outdoor seating with tables and chairs. Any voluntary landscaping shall be in addition to street tree requirements.
- (v) ***Mulch Rings.*** A minimum four foot diameter mulch ring shall be placed around each tree planted within an urban turf area or within a tree opening within the pavement. The mulch ring shall consist of organic materials placed at a depth of not less than three inches. Crusher fines, crushed gravel or granite shall not be used as a mulch in tree openings within pavement.
- (vi) ***Tree Opening Options.*** Urban conditions often require special design considerations in an effort to preserve and promote urban tree canopy. While not an all-inclusive list, applicants may wish to consider the following options or propose other alternatives not currently listed below.

- (1) ***Rubber Sidewalks.*** Rubber sidewalks are not installed as deep and the material is not as thick as a traditional sidewalk thereby providing more space for tree root growth. The panels are pervious allowing storm water to seep down between the panels

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**FINAL APPROVED VERSION**

increasing infiltration rather than running into street gutters. Maintenance costs often associated with removing existing concrete, hauling it away and replacing it are reduced as panels can be easily removed individually to examine and/or trim tree roots.

(2) *Structural Cells*. Structural cells are strong plastic structures that firmly support sidewalks and provide an expanded area for greater soil volume capacity. The increased soil volume can lead to an expanded rooting zone thereby supporting larger tree growth. It is an ideal low impact development option for the long-term co-existence of trees and streets.

(3) *Suspended Pavements*. Suspended pavements are a type of technology that support the weight of paving while creating a larger subsurface void space that is filled with native, excavated or a specified planting mix. The system allows for an increase in the soil capacity providing a greater rooting area composed of lightly compacted soil. This system aids in urban tree growth, provides a source for on site treatment of storm water for water quality purposes and recharges the watershed.

**17-70-080 Parking Lot Landscaping.** The following standards apply to surface parking lots.

(A) *General*.

- (1) Internal parking lot landscaping shall be required for parking lots containing more than 10 parking spaces, or expansion of existing parking lots by more than (i) 10 spaces, or (ii) 50% of the existing parking lot area, whichever is greater.
- (2) Parking lot landscaped areas shall be maintained free of weeds at all times throughout the year.
- (3) Trees shall not be eliminated due to the placement of light poles in parking lot islands or parking lot perimeter landscaping.
- (4) No interior portion of a parking lot may contain turfgrass, native seed, or artificial turf.
- (5) Trees shall be provided, at a minimum, at the ends of parking rows on the exterior or perimeter of the parking lot.
- (6) To the maximum extent practicable, on-site drainage shall be integrated into the parking lot planting islands and perimeter planting areas as a means of treating storm water for water quality purposes.

(B) *Parking Lot Design*.

- (1) For parking lots exceeding 100 spaces, a landscaped median 20 feet in width with a pedestrian walk must be provided through the parking lot from the perimeter sidewalk to the main building.
- (2) Parking lot medians shall be 6 feet wide for single row parking and 12 feet wide for double row parking.

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- (3) Parking lot medians shall be landscaped with one shade tree per 30 linear feet of median length and one or more understory treatments that may include mulch, mulched shrub beds or decorative rock mulch. Shrubs shall be provided at a ratio of six shrubs per 36 linear feet of median. Shrubs may be grouped.
- (4) Landscaping shall be protected from vehicles by the placement of wheel stops, curbs, or other acceptable means. If wheel stops are not used, landscaping shall be set back two feet from the back of the curb to provide for vehicle overhang into the landscape bed. All parking adjacent to pedestrian walkways should be consistent with BMC Chapter 17-32.
- (5) Whenever pedestrians must cross internal landscaped medians, the median shall be landscaped with a combination of hardscape materials and living plant material. Hardscape shall consist of concrete, modular pavers or decorative stamped and integral colored concrete.

**(C) Interior Parking Lot Landscaping.**

- (1) No parking row shall exceed 15 parking spaces without an intervening landscaped island, median or landscaped peninsula.
- (2) All rows of parking spaces shall be provided with a terminal landscape island to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.
- (3) Each landscaped island shall be protected by raised concrete curbs, which shall include openings at-grade as necessary to allow storm water to flow into any below grade landscaped swales. The planting area per tree shall be not less than nine foot by 19 foot for a single island and not less than nine foot by 38 foot for a double island.
- (4) Interior parking lot islands shall be provided with a minimum of one canopy shade tree per nine foot by 19 foot island and two canopy shade trees per nine foot by 38 foot double island.
- (5) Ornamental trees may be used as accents at the ends of parking rows, but shall not be used as the primary shade tree within the parking lot.
- (6) In addition to trees, ornamental grasses (maximum 30 percent per island) and shrubs shall be provided at a ratio of six plants per nine-by-19-foot island or 12 plants per nine-by-38-foot island. Plant materials shall be sited appropriately to not exceed the confines of the planting area.
- (7) Landscaped islands may be mulched with either wood or rock mulch. The use of white quartz rock mulch is prohibited.
- (8) Solar panels may be installed in lieu of parking islands, provided such panels are also used as canopies over parking stalls. Trees shall be required around the perimeter of the parking lot and in terminal islands at the ends of parking rows.

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(D) *Parking Lot Perimeter Landscaping.*

- (1) Parking lots shall be visually screened from the public right-of-way, open space, and adjacent property.
- (2) A minimum four foot buffer width shall be provided for screening around the perimeter of all parking lots.
- (3) Parking lots may be screened by one or more of the following methods:
  - (i) A berm between three and four feet high with a maximum slope of 4 to 1 in combination with evergreen and deciduous trees and shrubs. Screening shall be integrated with incentive features and streetscape plantings whenever possible.
  - (ii) In lieu of berms, a low continuous landscaped hedge between three and four feet high consisting of a double row of shrubs planted 3 feet on center in a triangular pattern.
  - (iii) A decorative masonry wall three feet high in combination with shrubs, ornamental grasses, and perennials. Plant material shall be placed on the exterior side of the wall.
  - (iv) Openings in screening may be permitted to allow access ways and for drainage purposes.
- (4) Shrub species shall be chosen that will reach a minimum height of three feet at maturity. Whenever parking lots abut public open space plant materials shall be selected that are compatible with the natural character of the area.
- (5) Large shade and evergreen tree species and/or small trees or large shrub species shall be used as accents throughout the screen planting in conjunction with buffer and street frontage plantings to offset the horizontal lines of a typical shrub bed. At least one tree per 40 linear feet of parking lot perimeter.
- (6) Ornamental grasses shall not be used to screen parking lots.

(E) *Surface Parking Lots Used for Vehicle Storage or Vehicle Display Areas.* Developments whose primary purpose is for outdoor vehicle storage, car sales or similar purposes shall have modified interior parking lot landscape requirements. Only patron and/or employee parking areas are required to comply with the interior parking lot landscape requirements above.

**17-70-090 Detention and Water Quality Ponds Landscaping.**

(A) *General.* Detention and water quality ponds shall be integrated physically, functionally, and aesthetically into the total landscape design. Standing water shall be avoided to the maximum extent practicable, unless part of a recirculating water feature, water quality

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micro-pool, or located in wetland vegetated areas. Water quality enhancement areas within the bottom of the pond shall be planted with vegetation that is consistent with the presence of saturated soils, such as wetland species including sedges and rushes. Mile High Flood District (MHFD) provides suggested native wetland seed mixes for detention facilities in Volume 3 of its Criteria Manual.

- (B) *Slopes*. Generally, vegetated slopes shall not exceed one foot of rise to four feet of run (4 to 1). All pond turf areas shall be properly drained. Any mowed slope that is within a public right-of-way or any area proposed to be maintained by the public shall be no steeper than one foot of rise to four feet of run (4 to 1).
- (C) *Pond Grading*. Pond grading shall be designed to accommodate access for maintenance. Rockscaped or riprap slopes are only permitted when necessary for erosion control. Riprap receiving direct flows shall be mixed with soil and seeded. MHFD provides a specification and details for mixing and placing soil riprap. All riprap areas not receiving direct flows shall be buried and seeded.
- (D) *Landscape of Areas Surrounding Detention, and Water Quality Ponds*. The area within the tract surrounding a pond shall contain a minimum of one tree and 10 shrubs per 4,000 square feet above the 100-year water surface elevation. The 100-year water surface elevation shall be indicated on the landscape plan. The bottom of ponds shall be seeded and/or planted with water tolerant seed or plant materials that are capable of handling occasional water inundation. Plantings of willows and other wetland plant materials shall be included to the maximum extent practicable. Designated areas shall be maintained free of weeds at all times throughout the year.
- (E) *Lower Impact Drainage Options Encouraged*. Lower impact drainage practices aim to slow stormwater flows, intercept contaminants at their source, and use rainwater to support bio-diverse landscapes. Applicants are encouraged to implement lower-impact options such as: grass swales and grass buffers, permeable pavements, sand filters, and bioretention systems sometimes referred to as rain gardens.

**17-70-100 Additional landscape and irrigation requirements for single-family detached dwelling or manufactured homes on individual lots.** The following additional landscape and irrigation requirements shall apply to lots containing a single-family detached dwelling.

- (A) All portions of lots which are not occupied by driveways, sidewalks, patios, decks or buildings shall be landscaped or mulched.
- (B) Areas of the yard that are designated for planting with annual flowers, vegetables, or similar plant materials shall be considered landscaped during the winter months even if nothing is currently growing at that time. Designated areas shall be maintained free of weeds at all times throughout the year.
- (C) The landscaping required in this section shall not exceed the moderate water-demand landscape standard as described in the Landscape Reference Manual.

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- (D) Unless provided by a homeowners' association or special district, the property owner adjacent to a public street is responsible for right-of-way landscape maintenance adjacent to the front yard and side yard of the lot.
- (E) The landscape and automatic irrigation system in front yards and side yards not screened from public view shall be installed by the property owner within 12 months of the issuance of the certificate of occupancy. Side yards screened from public view and rear yards shall be landscaped or mulched and an automatic irrigation system shall be installed within 18 months of the issuance of the certificate of occupancy.
- (F) A minimum 75% of the front yard and side yards visible from a public street shall have a ground surface cover of living plant materials that reflect a mix of evergreen and deciduous canopy, understory, ground cover or turfgrass plant material. The foliage crowns of deciduous trees do not count in calculating compliance with this provision.
- (G) Turfgrass, sod and seed mixtures shall be in conformance with Table 1.
- (H) Up to 25% of the area within the front yard and side yards visible from a public street or right-of-way may be covered with mulch, pavers, decorative concrete or other materials.
- (I) Plant material located in rock, mulch, pavers or decorative concrete shall have low water demand or be classified as xeric from the plant list.
- (J) For properties adjacent to roads with detached sidewalks, the property owner shall install landscaping and irrigation within the area between the sidewalk and curb within 12 months of the issuance of a certificate of occupancy. This area does not count in calculating compliance with the provisions of this section.
- (K) For parcels in an estate district or agricultural district the following modified residential landscape requirements shall be met:
  - (1) All portions of lots which are not occupied by driveways, sidewalks, patios, decks or buildings shall be landscaped, mulched, or utilized for agricultural purposes. For agricultural properties, landscaped areas shall include those areas with non-irrigated dryland grasses.
  - (2) Areas designated for planting with annual flowers, vegetables, or similar plant materials shall be considered landscaped during the winter months even if nothing is currently growing at that time. Designated areas shall be maintained free of weeds at all times throughout the year.
  - (3) Unless provided by a homeowners' association or special district, the property owner adjacent to a public street is responsible for right-of-way landscape maintenance, including drainage swales along rural roadways, adjacent to the front yard and side yard of the lot.
  - (4) Areas disturbed during home construction shall be landscaped or mulched within 12 months of the issuance of the certificate of occupancy.

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(5) Turfgrass, sod and seed mixtures shall be in conformance with Table 1.

**17-70-110 Additional landscape and irrigation requirements for non-residential districts, multi-family, single-family attached properties and manufactured home parks.** The following additional landscape and irrigation requirements shall apply to all non-residential properties, multi-family, single-family attached properties and manufactured home park common areas, unless specifically excluded.

- (A) *Areas required to be landscaped.* All portions of these properties which are not occupied by structures, water bodies, surfaced by streets, roads, driveways, sidewalks, parking areas, other vehicle use areas, or city approved trails are required to be landscaped in accordance with the provisions of this section. Designated areas shall be maintained free of weeds at all times throughout the year.
- (B) The landscaping required in this section shall not exceed the moderate water-demand landscape standard as described in the Landscape Reference Manual.
- (C) Turfgrass, sod and seed mixtures shall be in conformance with Table 1.
- (D) All properties shall feature landscape areas in the front, rear, side and perimeters that separate parking areas, other vehicular use areas, or buildings from adjacent property lines according to the following provision:
  - (1) Unless otherwise specified in the zoning district requirements or planned unit development plan for a property, along the sides or rear of any non-residential development project that directly abuts a residential zoning district, there shall be a landscape buffer at least 25 feet in depth.
- (E) For properties adjacent to roads with detached sidewalks, the property owner shall install landscaping and irrigation within the area between the sidewalk and curb within 12 months of the issuance of a certificate of occupancy. This area does not count in calculating compliance with the provisions of this section.
- (F) The city shall not be responsible for constructing or maintaining landscaped areas within a development that incorporates publicly owned and accessible trails, parks, detention areas or drainage channels unless otherwise specified during the site review process or through a separate ownership and maintenance agreement approved by the city council.
- (G) Development projects adjacent to an arterial or collector street shall be required to landscape the right-of-way adjoining the development site and the nearest one-half of the median subject to the following:
  - (1) Environmental concerns, including shade and winter ice, shall be addressed in the design of medians and right-of-way areas.
  - (2) Unless otherwise specified, the city shall maintain arterial street medians.

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- (H) Any landscaping around a fire hydrant shall be designed with a three-foot clear zone of mulch or ground cover height plant material.
- (I) *Drive-Through Screening Adjacent to Street Frontages.* A wall between 42 and 48 inches in height shall be provided to mitigate noise and minimize the visual impacts associated with on-site signs with speakers as well as screen drive-through aisles, service areas and stacking lanes from abutting public or private rights-of-way. The wall shall match or complement the colors, materials and aesthetic theming of the main structure. Landscaping consisting of low shrubs shall be provided along the exterior or street side to soften the appearance of the wall. Screen walls may be located within any required buffer setbacks.

**17-70-120 Drought Emergency Procedures.** For all properties located within the City and County Broomfield, the City Council may declare a drought emergency, and during such times, the installation of various types of landscaping as required by this Chapter may be postponed. In the event of a declared drought emergency, the following landscape preparation measures shall be completed in lieu of specific landscape plantings prior to the issuance of a certificate of occupancy:

- (A) Final grading;
- (B) Installation of main irrigation system components;
- (C) Installation of plant beds, including edging, weed barrier, and mulch, without plant materials; and
- (D) Completion of sedimentation and soil erosion best management practices including placement of soil erosion materials on areas to be sodded or seeded. Types of materials include roof leader extensions, straw wattles, hay bales, and soil erosion blankets.

**17-70-130 Private Covenants.** Pursuant to Section 37-60-126(11) of the Colorado Revised Statutes, common interest communities and special districts are prohibited from limiting the installation or use of drought tolerant vegetative landscapes or requiring vegetation to consist wholly or partially of turfgrass. As with state law, nothing contained in this chapter prohibits common interest communities or special districts from adopting and enforcing design or aesthetic guidelines for landscaping so long as such requirements meet or exceed the minimum standards set forth in this chapter.

**17-07-140 Maintenance of Landscaping.**

- (A) For all properties located within the City and County Broomfield, the property owner shall keep all landscaping in a well-maintained and healthy growing condition. This applies to new development, redevelopment and existing landscape. At a minimum the following actions are to be taken as needed:
  - (a) Mowing, irrigating, weeding, fertilizing, pruning, and other maintenance appropriate for the type of plant materials in the property.
  - (b) Removal of trash, litter, weeds.
  - (c) Treating plant materials that exhibit evidence of insect, pest or disease damage.
  - (d) Removing dead or dying plants and shrubs.

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- (e) Removing and replacing dead plant materials, including trees, that are required by an approved landscaping plan within one year from installation or within one month of written notice of condition, except that during adverse weather conditions, an extension to the following growing season can be granted.
  - (f) Replenishing natural landscape materials such as mulch, which no longer cover the area in which they were originally deposited so as to achieve full coverage to a minimum depth of three inches.
  - (g) Repairing, replacing or maintaining landscaping structural features, including but not limited to fountains, reflecting pools, outdoor artwork, screening walls, retaining walls, fences, benches or other street furniture elements, as necessary to maintain these items in good condition, if readily seen from an adjoining street, sidewalk or city-designated trail, park, landscape or open space area.
  - (h) Any other action necessary to maintain landscaping installed in accordance with an approved landscape plan.
- (B) Unless otherwise approved within a site development plan or other agreement with Broomfield, all property owners are responsible for the maintenance of landscaping located in the right-of-way adjacent to their property.

**17-07-150 Inspection, Authority, and Violations.**

- (A) *Inspection of Landscaping.* All landscaping installed to meet requirements of this section shall be subject to inspections by the city to ensure compliance with this chapter.
- (B) *Notice of Violation.* If the city finds that any landscaping is maintained in violation of the provisions of this chapter, the city shall give written notice to the owner of the property.
- (C) *Authority.* The city shall have the authority to enforce provisions of this chapter. In addition to any other remedies provided in this section, a summons and complaint may be filed in the municipal court to any person for which probable cause exists concerning the violations of this article. These landscaping regulations are enforced by the city, and nothing in the code is intended to create a private cause of action.
- (D) *Violation; Penalty.* Except where a different penalty is specifically prescribed by an ordinance of the city, any person found in violation of any provision of this chapter shall be subject to a fine of not more than \$500.00 per violation.

**17-70-160 Special Exceptions from Zoning for Landscaping Requirements.**

- (A) *Special Exceptions.* The Neighborhood Board of Adjustment, Land Use Review Commission or City Council may hear and decide requests for special exceptions from the City and County of Broomfield landscaping requirements set forth in this chapter. The Neighborhood Board of Adjustment shall hear cases that relate to applications with the single subject matter being the landscaping. The Land Use Review Commission or City Council may hear special exceptions in conjunction with other land use cases, such as a site development plan application or other land use process in accordance with Title 17 of the Broomfield Municipal Code.

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(B) *Special Exception Decision Criteria.* The governing body in reviewing and making its decision on a special exception for landscaping shall consider the impacts of the proposed landscape changes upon the property and the surrounding area, including but not limited to:

- (i) The landscape plan shall be consistent with the purpose of this chapter as declared in BMC 17-70-010;
  - (ii) The landscaping shall improve the condition of the city as envisioned by the Broomfield Comprehensive Plan or, at a minimum, has no net negative impact;
  - (iii) The relationship of the proposed landscape plan to adjacent land uses;
  - (iv) The landscaping shall not adversely affect the community character of the area surrounding the property;
  - (v) The landscaping shall not create a hazard or nuisance or interfere with the use of public lands or highways; and
  - (vi) The effect upon the health, safety and welfare of the residents in the surrounding area.
- (1) Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed landscaping upon the surrounding area, the governing body may condition the decision to approve the special exception application upon implementation of such methods or techniques.
  - (2) Any decision by the Land Use Review Commission shall be subject to call-up by City Council as provided in Title 17 of the Broomfield Municipal Code.

(C) *Application and Hearing.*

- (1) *Application.* The applicant for a special exception from the landscaping requirements shall submit an application to Community Development, which application shall be signed by the applicant and submitted with the Special Exception Review Fee.
- (2) *Hearing.* Within 45 days after the receipt of an application, or as soon thereafter as possible or in conjunction with the other applicable land use hearings if heard before the Land Use Review Commission or City Council, the governing body, after giving notice, shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of Chapter 17-52, BMC.
- (3) *Decision.* After hearing the application, the governing body shall make its findings, which shall be recorded in the official minutes of the meeting, either:
  - (i) Granting the proposal application in whole or in part, with or without modifications or conditions; or
  - (ii) Denying the application.
- (4) *Final Decision.* The decision of the governing body shall not become effective until 30 days after the date the governing body renders its decision.

#### TABLE 1

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FINAL APPROVED VERSION

<b>RESIDENTIAL YARD LANDSCAPE REQUIREMENTS**</b>				
<b>Residential Type</b>	<b>Turf</b>	<b>Plantings</b>	<b>Mulch</b>	<b>Coverage</b>
<b>Single-Family Dwelling (detached)</b>	Turf up to a maximum of 30% of the total landscape area. Turfgrass or sod, seed and seed mixtures that contain more than 20% mixture of cool-season grass species shall be prohibited.	Trees/Shrubs/ Ornamental Grasses/ Native Plants.  Not to exceed moderate water-demand	Mulch Rock/Woodchip/ pavers/ decorative concrete up to a maximum of 25% of the total landscape area	Area required to be landscaped living plant material: Minimum of 75%* (of the total landscape area)
<b>Residential in Agricultural District and Estate Districts</b>	Turf up to a maximum of 30% of the total landscape area.. Turfgrass or sod, seed and seed mixtures that contain more than a 20% mixture of cool-season grass species shall be prohibited.	Optional	Optional	Areas disturbed by home construction to be restored within 12 months
<b>Single-Family Dwelling (attached) &amp; Manufactured Home Park</b>	Turf up to a maximum of 30% of the total landscape area. Turfgrass or sod, seed and seed mixtures that contain more than a 20% mixture of cool-season grass species shall be prohibited.	Trees/Shrubs/ Ornamental Grasses/ Native Plants.  Not to exceed moderate water-demand	Optional	N/A

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<b>Multi-Family</b>	Turf up to a maximum of 30% of the total landscape area. Turfgrass or sod, seed and seed mixtures that contain more than a 20% mixture of cool-season grass species shall be prohibited.	Trees/Shrubs/ Ornamental Grasses/ Native Plants.  Not to exceed moderate water-demand	Optional	N/A
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\* foliage crowns of deciduous trees do not count in calculating compliance with the requirements

\* weeds are not considered as living plant material

**Section 15.** This ordinance shall be effective January 1, 2024.

INTRODUCED for first reading on July 11, 2023, and ordered published in full.

INTRODUCED A SECOND TIME and approved on August 22, 2023, and further ordered published.

THE CITY AND COUNTY OF BROOMFIELD,  
COLORADO

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Office of the City and County Clerk

APPROVED AS TO FORM:

*NCL*

\_\_\_\_\_  
City and County Attorney

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FINAL APPROVED VERSION

First Publication:

Second Publication:

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